

IN THE UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF PENNSYLVANIA

NICHOLE EHRHEART,	)	
individually and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-350
	)	
BOSE CORPORATION,	)	Judge Lancaster
	)	Magistrate Judge Hay
Defendant.	)	

MEMORANDUM ORDER


On March 19, 2007, this case was referred to United States Magistrate Judge Amy Reynolds Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On December 10, 2007 the magistrate judge issued a Report and Recommendation (Doc. 38) regarding Bose's Motion for Summary Judgment (Doc. 18). The magistrate judge recommended that the District Court deny this Motion. Service of the Report and Recommendation was made on the parties. Objections (Doc. 40) were filed on December 20, 2007. These Objections have been carefully reviewed. The Defendants argue that the Magistrate erred in construing the term "point of sale" as it was used in FACTA, and that Bose has no liability to the Plaintiff whether the term is viewed as describing a geographical point or a point in time. In the Report and Recommendation (Doc. 36), these issues were discussed in detail against the background of the case law, and Bose's position was rejected. The Plaintiff did not file a Response to Bose's Objections.

After a review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following ORDER is entered:

AND NOW, this 4 day of January 2008 IT IS HEREBY ORDERED that Bose's Motion for Summary Judgment (Doc. 18) is DENIED

The Report and Recommendation of Magistrate Judge Hay dated December 3, 2007 (Doc. 36 ) is hereby adopted as the opinion of the court.



Gary L. Lancaster  
United States District Judge

cc:

Magistrate Judge Amy Reynolds Hay

Counsel of Record  
Via Electronic Mail